

Appl. No. 10/692,521
Amdt. dated Oct. 17, 2005
Reply to Office Action of June 15, 2005

REMARKS/ARGUMENTS

This amendment is submitted in an earnest effort to advance the case to issue without delay.

Claims 1 – 3 were objected to for lack of clarity concerning the “connecting means” and “connection means.”

Applicant has revised Claim 3 and other of the dependent claims to achieve uniformity of language in the term “connection means.”

Claim 1 has been amended to identify one of the wall panel edges along a full length thereof as being straight without any connection means disposed thereon. Support is found at page 8, lines 4 – 5, and Fig. 5 (see 180 and 182).

Claims 1 – 18 were rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,895,045 to Vilar, in view of U.S. Patent No. 2,057,942 to Fay. Applicant traverses this rejection.

Vilar discloses a construction toy formed from a series of modular cards. The term “toy” is used repeatedly. So is the term “card.”

By contrast, the presently claimed invention concerns prefabricated housing. There is a vast difference in the technical requirements for a housing structure than those required for toy cards. Those skilled in the art seeking solutions to prefab housing would not consider as relevant toy technology. Vilar is simply non-analogous art.

The salient feature of amended Claim 1 and new Claim 20 is that along one full edge of the claimed wall panels, the wall is straight uninterrupted by any connection means or stepped projection. This straight (flat) edge is necessary to allow the panel to sit within a U-shaped channel forming the base (12, 14, 16, 18) of the prefabricated house. See Fig. 2. Likewise, a straight edge is needed in the formation of a roof. Herein, the wall panels and upper edge must fit into a U-shaped channel of the roof segments (64, 66, 68, and 70) shown in Fig. 4.

Vilar is a toy and not a house construction. There is no edge on the modular cards that is straight without interruption by a stepped connecting projection. There is no need for a straight edge in Vilar because there is no concern or need to withstand outdoor elements (wind and rain) necessary for a housing structure. Certainly absent any disclosure of a straight edged panel, Vilar does not render the instant claims *prima facie* obvious.

Fay was introduced as using similar materials to that of Vilar to form a housing structure. The only house that Fay constructs is a toy house. From title through claims, the term “toy” is repeatedly emphasized. Similar to Vilar, Fay is also non-analogous art to the present invention.

Applicant’s Claims 1 and 20 specify that one edge of the wall panel is required to be straight without interruption of any connection means. Fay in all the construction

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panels has a set of connection means on all edges. Thus, Fay fails to disclose an essential element of the claimed invention. This reference, similar to Vilar, fails to present a *prima facie* case of obviousness.

A combination of Vilar in view of Fay would not render the present invention obvious. Neither of the references is analogous art to the present invention. These are in the toy technology area. Structures represented by these disclosures would not be suitable for an outdoor environment, merely adequate for the parlor. Even if the references were analogous art, they fail to show an essential element of the claimed invention. There is no disclosure of a panel which on one side has a fully straight (flat) edge uninterrupted by any connection means. For these reasons, Claims 1 and 20 would not be obvious in consideration of these references.

Claim 18 further requires the presence of a door panel and channel means in which the door panel is disposed in a sliding relationship relative to other wall panels.

The Examiner has confirmed that neither Vilar nor Fay discloses a door. Even if a door were shown, there still would be no disclosure of a sliding relationship in a channel. The Examiner presents the strained argument that any member 20, 32 (of Vilar) would be capable of being doors and of being slid into an engaging relationship with one another. "Capability" is not a disclosure but merely a subjective supposition of the

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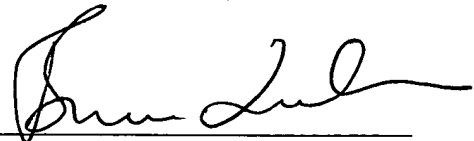
Examiner inserted through hindsight of the present invention. Neither of the references have disclosed a door nor disclosed a sliding relationship. These references fail to present a *prima facie* case of obviousness with respect to Claim 18.

In view of the foregoing amendment and comments, Applicant respectfully requests the Examiner to reconsider her rejections and now allow the claims. A credit card authorization form in the amount of \$60.00 to cover the one month extension fee is enclosed. The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to the undersigned's Deposit Account No. 13-1140.

Dated: October 17, 2005

Respectfully submitted,

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I hereby certify that this correspondence is being deposited on the date shown below with the U.S. Postal Service, via first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, Mail Stop Amendment.


BERNARD MALINA

10-17-05
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